

REMARKS

This Amendment is being filed in response to the Final Office Action mailed March 13, 2009 which has been reviewed and carefully considered. By means of the present amendment, claim 3 has been canceled without prejudice and its features included in independent claims 1 and 4-8. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1-2 and 4-8 remain in this application, where claims 1 and 4-8 are independent.

In the Final Office Action, claims 1-8 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,300,886 (Hayami). Applicant respectfully traverses and submits that claims 1-2 and 4-8, as amended, are patentable over Hayami for at least the following reasons.

Hayami is directed to a 4-to-6 modulation method and system that uses a 4-to-6 table. On page 3 of the Final Office Action, in rejecting claims 3, column 5, lines 51-53 are cited to allegedly show that a part for distinguishing the synchronization patterns is

directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11. Applicant respectfully traverses and submits that column 5, lines 47-53 specifically recites:

In this way, the input code sequence "4, 5, 6, 7, and 8" (decimal) causes the retriever 110 to supply output codes "010010, 000010, 010010, 101001, 000001". Concatenating these codes one after another yields an output code sequence.

It is respectfully submitted that a disclosure of an output codes sequence of 010010, 000010, 010010, 101001, 000001 has nothing to do with any specific constraint such as a distinguishing part of synchronization patterns being directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11, as recited in independent claims 1 and 4-8. Column 5, lines 51-53 of Hayami is not even related to any distinguishing part of synchronization patterns; rather an output sequence is merely disclosed. Further, the output codes 010010, 000010, 010010, 101001, 000001 recited on column 5, lines 51-53 are not even 8 bits as required by independent claims 1 and 4-8.

In summary, it is respectfully submitted that Hayami does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 4-8 which,

amongst other patentable elements, recites (illustrative emphasis provided):


wherein the part for distinguishing the synchronization patterns consists only of the bit sequence 100 101 or of the bit sequence 010 101, and is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11.

These features are nowhere disclosed or suggested in Hayami. Accordingly, it is respectfully requested that independent claims 1 and 4-8 be allowed. In addition, it is respectfully submitted that claim 2 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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May 7, 2009

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